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June 19, 2008

BY FAX (212) 805-7917

Honorable Robert P. Patterson
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2550
New York, NY 10007

MEMO ENDORSED

Re: Danny Gonzalez v. City of New York, et al., 08 Civ. 4897 (RPP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York ("City of New York") and NYPD Commissioner Raymond Kelly ("Kelly"). I am writing with respect to the above-referenced matter in which plaintiff alleges that defendants falsely arrested him and subjected him to excessive force. Defendants respectfully request an extension of time to respond to the complaint from June 19, 2008 until August 18, 2008. I have spoken with plaintiff's counsel, and he consents to the extension of time.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution consent and authorizations for the release of sealed arrest and criminal prosecution records so that defendants can access the information, properly assess the case, and respond to this complaint.

Additionally, because plaintiff has alleged injuries as a result of the alleged misconduct by defendants, this office is also in the process of forwarding to plaintiff for

execution consent and authorizations for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident.

No previous request for an extension has been made by defendants in this action. Accordingly, we respectfully request that defendants City and Kelly's time to answer or otherwise respond to the complaint be extended to August 18, 2008.

Thank you for your consideration herein.

Respectfully submitted,



Douglas W. Heim (DH 5238)
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*Application granted
S. J. [unclear]
6/19/08*